

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEREK W. STRUNK,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL NO. 19-cv-223-DGW <sup>1</sup>
	)	
COMMISSIONER of SOCIAL SECURITY,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

**WILKERSON, Magistrate Judge:**

Before the Court is the parties' Agreed Motion to Remand to the Commissioner. **(Doc. 29)**.

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, an ALJ will: "develop the administrative record as necessary to determine whether Plaintiff is disabled

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<sup>1</sup> This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Docs. 10 & 12.

within the meaning of the Social Security Act, and then issue a new decision. In so doing, the ALJ will reevaluate Plaintiff's residual functional capacity; reevaluate the objective medical evidence, other medical evidence, and medical source opinions, including evidence underlying the Division of Rehabilitation determination in accordance with 20 C.F.R. § 404.1504; and determine whether Plaintiff could perform his past relevant work or other work that exists in the national economy."

Plaintiff applied for disability benefits in September 2017. (Tr. 17). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.


For good cause shown, the parties' Agreed Motion to Remand to the Commissioner (**Doc. 29**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying plaintiff's application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: December 4, 2019.**

  
**DONALD G. WILKERSON**  
**UNITED STATES MAGISTRATE JUDGE**